IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

OP.No. 37689 of 2001(J)

PETITIONER:

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1. ASSOCIATION OF AUTOMOBILE WORKSHOPS KERALA, REG. NO.355/85, CENTRAL COMMITTEE, AUTOMOBILE WORKSHOP BHAVAN, BLOSSOM COCHIN ROAD, ERNAKULAM, KOCHI-20, REP. BY ITS GENERAL SECRETARY, M.K.VIJAYAN, S/O.LATE KRISHNAN.

2. V.K.SUKUMARAN, S/O.KUNJUNNI, R.S.AUTOMOBILES GENERAL ENGINEERING WORKS, KALOOR, KOCHI-17.

3. K.VISHNUDAS, S/O.KOCHUKUNJU, SRI.AYYA MOTORS, PERUNTHANI, TRIVANDRUM.

4. T.V.FRANCIS, S/O.VARGHESE, 42/1925, CARLANDS AUTOMOBILE ENGINEERING, P.H.ROAD, COCHIN-18.

BY ADV. SRI.R.RAMADAS

RESPONDENTS:

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1. STATE OF KERALA REP. BY CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT, TRIVANDRUM.

2 THE COMMISSIONER, DEPARTMENT OF TRANSPORTS, TRANSPORT BHAVAN, FORT, TRIVANDRUM-695 023.

3. THE SECRETARY TO GOVERNMENT, DEPARTMENT OF TRANSPORT, SECRETARIAT, GOVT. OF KERALA, TRIVANDRUM.

BY GOVERNMENT PLEADER SMT.R.BINDU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON 20/03/2007 DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO.61814/2001 IN O.P. NO.37689/2001

DISMISSED:

20.3.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE REPRESENTATION SUBMITTED BY 1ST PETITIONER ASSOCIATION IN DECEMBER 2000 BEFORE THE HON'BLE CHIEF MINISTER, OTHER MINISTERS, OPPOSITION LEADER AND THE MEMBERS OF KERALA LEGISLATIVE ASSEMB LY.

P2: TRUE COPY OF THE REPRESENTATION SUBMITTED BY PETTIONER ASSOCIATION IN OCTOBER 2001 BEFORE THE CHIEF MINISTER.

P3: .DO. DT.5.11.2001 BEFORE R2.

P4: .DO. BEFORE R3.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.37689 of 2001

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Dated this the 20th day of March, 2007.

JUDGMENT

The O.P. is filed nearly six years back by an association of automobile workshops in Kerala for declaration that each and every workshop is entitled to certify fitness for vehicles for renewal of registration. The eligibility for a workshop to certify fitness is based on statutory provisions. It cannot be granted on policy basis. I do not think petitioners are entitled to declaration that every workshop is entitled to issue fitness certificate. However, if there is any discrimination in the selection or if any qualified workshop is denied the eligibility to certify fitness, it is open to such aggrieved person to challenge the decision. The O.P. is therefore closed leaving freedom to the individual members to challenge the decision.

C.N.RAMACHANDRAN NAIR
Judge

pms